

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the  
Northern District of New York

UNITED STATES OF AMERICA )

v. )

JAMES A. BRADY )

Case No. 1:18-MJ-119(CFH)

Defendant(s) )

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of March 1, 2018 in the county of Columbia in the Northern District of New York the defendant(s) violated:

*Code Section*18 U.S.C. §§ 2252A(a)(2)(A) and  
2252A(b)(1)*Offense Description*

Receipt and Distribution of Child Pornography

This criminal complaint is based on these facts:  
See Attached Affidavit

☒ Continued on the attached sheet.

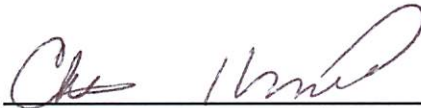
Attested to by the Applicant in Accordance with  
the Requirements of Rule 4.1 of the Federal  
Rules of Criminal Procedure.


*Complainant's signature*

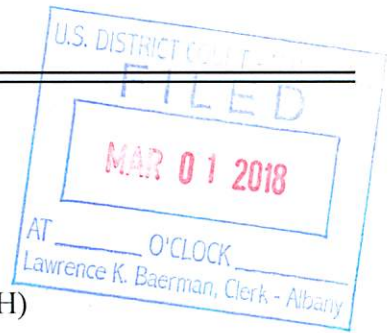
Brandon J. Hudson, FBI Task Force Officer

*Printed name and title*

Sworn to before me and signed in my presence.

Date: March 1, 2018

*Judge's signature*City and State: Albany, N.Y.

Hon. Christian F. Hummel, U.S. Magistrate Judge

*Printed name and title*

**Affidavit in Support of a Criminal Complaint**

I, Brandon J. Hudson, being duly sworn, depose and state:

**Introduction**

1. I make this affidavit in support of a criminal complaint charging James A. Brady ("Brady") with knowingly distributing and receiving child pornography that has been transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, in violation of Title 18 United States Code, Sections 2252A(a)(2)(A) and 2252A(b)(1).

2. I am an Investigator with the New York State Police and Task Force Officer with the Federal Bureau of Investigation (FBI). I have been so employed with the New York State Police since June 2004 and the FBI since February 2017. I am assigned to the FBI's Albany Field Office. I have participated in investigations of persons suspected of violating federal child pornography laws, including Title 18, United States Code, Sections 2251, 2252 and 2252A. My duties include investigating criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt and possession of child pornography in violation of 18 U.S.C. §§ 2252 and 2252(A). I have received extensive training in the area of investigating child sexual exploitation, and have had the opportunity to observe and review numerous examples of child pornography in all forms of media including computer media.

3. I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7), that is, I am an officer of the United States who is empowered by law to conduct investigations of offenses enumerated in Title 18,

United States Code, Section 2516(1). As a Task Force Officer, I am authorized to seek and execute federal arrest and search warrants for Title 18 criminal offenses.

4. The statements contained in this affidavit are based upon my investigation, information provided by other law enforcement officers and FBI personnel, and on my experience and training as a Task Force Officer with the FBI. As this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation.

#### **Basis for a Probable Cause Finding**

5. Beginning on December 4, 2017, your affiant was conducting an investigation into the sharing of child pornography through the BitTorrent peer-to-peer, file-sharing network using a law enforcement tool that allows single-source downloads from a single computer connected to the network.

6. Your affiant identified a computer on the BitTorrent network with the Internet Protocol ("IP") address 24.148.116.56 as a potential download candidate (source) for a number of files of investigative interest. Using a computer running investigative BitTorrent software, your affiant directly connected to the device at IP 24.148.116.56, hereinafter referred to as "Suspect Device." The Suspect Device reported it was running BitTorrent client software – SZ27:2-Shareaza 2.7.10.2.

7. On December 4, 2017, December 6, 2017, and February 5, 2018, your affiant successfully completed the download of three (3) files from IP address 24.148.116.56. All of the files depict sexually explicit images and/or conduct involving minors. The images depicted prepubescent females engaging in sex acts and are available for the Court's review upon request. Below is a description of two (2) of the downloaded files:

- a. "PTHC – 8yo Tara, Masturbation, Real Ass Fuck and Rape With Orgasms – 13.23.minutes.mpg" – A video file depicting what appears to be a prepubescent female, approximately 8-10 years of age. The female lays naked on a bed and digitally penetrates her vagina. Someone spreads the girl's buttocks, revealing a close-up of her anus. A male later penetrates the girl's anus with his fingers and penis.
- b. "(Pthc) 5Yo Kelly – New Stuff.mpg" – The length of the movie is four minutes and 24 seconds. The video depicts different girls between the ages of three and eight years of age. The girls are shown performing oral sex on adult males, and being vaginally penetrated.

8. Through the use of a subpoena to Mid-Hudson Cable, the Internet Service Provider for the IP address, I learned that IP address 24.148.116.56 was assigned to Brady's residence in the village of Philmont and county of Columbia.

9. FBI Special Agents and other law enforcement officers executed a federal search warrant on Brady's Philmont residence on March 1, 2018. Brady was interviewed in the living room of his residence. He was not in custody.

10. Brady admitted to searching for and downloading images of child pornography using his desktop computer. Brady stated that he has been lonely and has been searching for and viewing child pornography for some time. Brady understood that it was illegal to download and possess child pornography. Brady admitted that he understood how file sharing works and that by using the software, he is distributing the files with other users of the file sharing network.

11. During the course of the search warrant, Brady's computer was observed unlocked, with the Shareaza program running, actively downloading and sharing files with names indicative of child pornography.

12. A preliminary forensic preview of Brady's computer found at least thirty (30) videos with titles indicative of child pornography, including the two videos described in paragraph 7. Below is a description of another of the files located during the forensic preview.

- a) "Mossi - 11yo sex & rape - PTHC Hussyfan Kingpass].mpg" - A video nine minutes and 51 seconds in length. The video depicts a prepubescent female approximately 8-10 years of age engaging in sexual intercourse with an adult male until he ejaculates.

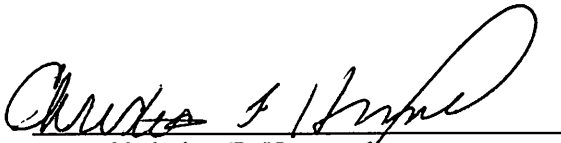
### Conclusion

13. Based upon the above information, there is probable cause to conclude that between December 4, 2017 and March 1, 2018, James Brady has knowingly received and distributed child pornography in violation of Title 18 United States Code, Sections 2252A(a)(2)(A) and 2252A(b)(1).



Brandon J. Hudson, Task Force Officer  
Federal Bureau of Investigation

Sworn to me this 1st day of March, 2018.



Hon. Christian F. Hummel  
United States Magistrate Judge